IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2656 OF 2005
IN
CRIMINAL APPEAL NO. 438 OF 2005

Waman Shantaram Marathe ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr. S.V. Marwadi, Advocate for Applicant

Mr. S.S. Pednekar, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 6TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicant is convicted under Section 307 of I.P.C. and sentenced to imprisonment for five years.

3. The learned advocate for the applicant states that the applicant was on bail pending the trial and he has not misused the liberty granted to him. This statement has not been controverted by the prosecution. The learned advocate for the applicant has further submitted that the prosecution case that the applicant assaulted P.W.1 Suresh with the sickle cannot be believed as the injuries caused to P.W.1

Suresh are not consistent with an assault by sickle. On perusal of the injury certificate, there appears to be much merit in this submission, hence, I am inclined to grant bail to the applicant.

4. On fine amount being paid, the applicant Waman Shantaram Marathe be released on bail in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with one or two sureties to make the said amount. The applicant shall report to Worli Police Station once in a month till the disposal of the Appeal.

5. Application is disposed of.

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